

REMARKS

Reconsideration of the above-identified application is respectfully requested.

Claims 1–5, 8–10, and 13 were rejected as anticipated by Shibasaki. In support of the rejection the Examiner makes several assertions that simply have no basis in the Shibasaki patent.

(1) Claim 1 recites that “the sealing portion being spaced from the support member by said anchor portion.” As clearly shown in FIG. 4 of the Shibasaki patent, protuberances (patentee’s terminology) 2a and 5a do not space the sealing member from the anchor portion as alleged. The Shibasaki patent clearly discloses that the protuberances are formed “on the outer sides of the bases” of walls 2 and 5; column 1, lines 32–34. How can something projecting from a wall separate the wall from the hinge? It is respectfully submitted that the rejection of the claims is based on factual error.

(2) Claim 1 recites that “said anchor and sealing portions extending laterally from the first side when the sealing lip resides in said inoperative position.” Even a casual inspection of FIG. 4 of the Shibasaki patent shows that this is not disclosed. Walls 2 and 5 extend laterally and protuberances 2a and 5a are pendent from the wall. It is respectfully submitted that the rejection of the claims is based on another factual error.

(3) Claim 1 recites “said sealing lip being retained in said operative position by said anchor portion being trapped in face to face contact with said first side of the support member.” There is no face to face contact as alleged. The general reference to FIG. 2 by the Examiner is merely a wish for disclosure that does not exist. The Examiner is requested to be more specific in his allegations. It is respectfully submitted that the rejection of the claims is based on another factual error.

(4) Claim 1 recites that “said hinge connection is isolated from flexure of the sealing portion” by the anchor portion. Lateral walls 2 and 5 (the alleged sealing lips) in the Shibasaki patent are directly connected to bottom wall 3 by notches 15 and 16. The Shibasaki patent discloses, for example, the following at column 1, lines 39–42.

“For the opposite lateral walls 2, 5 to be easily bent inwardly during their insertion into the run channel 1, bending notches 15, 16 are formed at the opposite sides of the bottom wall 3.”

Clearly, notches 15 and 16, or notches 15 and 22, are not isolated from flexure of walls 2 and 5. On the contrary, they are expressly intended for flexure by the walls. As such, they cannot be isolated from flexure of the walls. It is respectfully submitted that the rejection of the claims is based on yet another factual error.

(5) The “sealing part” in the Shibasaki patent is element 8, or 9, or 21. This is what patentee calls the part and this is what the Examiner needs to accept them as. Re-naming elements to suit a rejection, contrary to the express disclosure of the prior art, shows a lack of anticipation rather than anticipation.

Claims 6 and 7 were rejected as unpatentable over Shibasaki in view of Guillon. For the reasons given above, the Shibasaki patent does not disclose “the invention substantially as claimed” and the Guillon patent overcomes none of the deficiencies in the Shibasaki patent.

Claims 11 and 12 were rejected as unpatentable over Shibasaki in view of Mann. For the reasons given above, the Shibasaki patent does not disclose “the invention substantially as claimed.” Obviously, there is no basis for the combination. A window seal in a car and a fire seal do not address the same problems or operating conditions.

In view of the foregoing remarks, it is respectfully submitted that claims 1–13 are in condition for allowance and a Notice to that effect is respectfully requested.

Respectfully submitted,



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